

City of Baldwin City
PO Box 86
Baldwin City, Kansas 66006
Council Meeting Agenda

Baldwin City Public Library
800 7th St
Baldwin City, KS 66006

TUESDAY
March 21, 2023
7:00 PM



A. Call to Order-Mayor Casey Simoneau

B. Approval of Agenda

C. Consent Agenda

1. Minutes 03.07.2023

D. Public Comment:

Members of the public are welcome to comment on items relating to City business not listed on this Agenda. Please stand and wait to be recognized by the Mayor. As a general practice, the comments may or may not be acted upon by the Council during the meeting, or Council may refer the items to staff for follow up.

*If you wish to comment on an item listed on the agenda, a **sign-up sheet** is provided for you to sign in and provide your address. You will be called on when the Agenda item of interest is under discussion by the Council.*

E. Special Reports or Presentations

1. Arbor Day Proclamation

F. Old Business

1. Substation-Authorization of General Obligation Bonds
2. Application of New Code to Existing Buildings When Addition is Built
3. Proposed Sprinkler System Ordinance amendment

G. New Business

H. Council Committee Reports

1. Budget and Finance - Scott Lauridsen/Cory Venable
2. Community Development - Cory Venable/Susan Pitts

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-
3. Public Safety - Susan Pitts/Jerry Smith
 4. Public Works and Utilities - Julie Constantinescu/Jerry Smith
 5. Strategic Planning - Scott Lauridsen/Julie Constantinescu

I. City Administrator and Staff comments

J. Council and Mayor comments

K. Executive Session

1. Attorney-Client Privilege

L. Adjourn

City Council meets every first and third Tuesday of each month at 7:00 p.m. in the Library community meeting room. Council work sessions are held the last Tuesday of each month at 7:00 p.m. in the American Legion Hall.

City of Baldwin City
Minutes
Tuesday, March 7th 2023

A. Call to Order

The Baldwin City Council was called to Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Casey Simoneau presiding.

Present were Council Members: Cory Venable, Jerry Smith, Scott Lauridsen and Julie Constantinescu.

Also, attending: Glenn Rodden-City Administrator; Amara Packard-City Clerk; Rob Culley-Public Works Director; Jeff Winkler-Power Plant Superintendent; Officer Brooks-Police Department; Russ Harding-Planning and Zoning; Stu Young-Code Administrator; Chief Terry Baker-Fire Department; and Dakota Loomis-City Attorney.

B. Approval of Agenda

Cory Venable moved and Julie Constantinescu seconded to approve the agenda. Motion carried with a vote of 4 yes and 0 no.

C. Consent Agenda

1. Minutes 02.21.2023
2. Special Event-Thunder On The Bricks Car Show
3. Special Event-Smoke On The Bricks

Cory Venable moved and Scott Lauridsen seconded to approve the consent agenda. Motion carried with a vote of 4 yes and 0 no.

D. Public Comment

E. Special Reports or Presentations

F. Old Business

1. Substation-location

Jerry Smith moved and Julie Constantinescu seconded authorizing the new substation to be located on the property of the former Maple Leaf Motel. Motion passes 4-0.

2. Condemnation Ordinance

This is the same condemnation process that was spoken about at the last council meeting. It is a temporary construction easement needed to replace the culvert under Orchard Lane. The resolution was passed at the last meeting, this ordinance is the next step.

Jerry Smith moved and Julie Constantinescu seconded to continue on with the condemnation process approving the condemnation ordinance.

Jerry Smith-yes, Cory Venable-yes, Scott Lauridsen-yes, and Julie Constantinescu-yes. Motion passes 4-0.

3. Rate Study

Staff reached out to KMEA and they are willing to do the electric rate study for free. They thought they could have it completed by September.

Julie Constantinescu moved and Jerry Smith seconded to accept the offer from the Kansas Municipal Energy Association to perform an electric rate study for Baldwin City. Motion passes 4-0.

G. New Business

1. Library Board Appointment

Two board members' terms were up, and two people applied for those open positions. Both applicants, Stefanie Culley and Marta Jardon, will make a great addition to that board. Both applicants introduced themselves to the council and expressed their love for the library.

Julie Constantinescu moved and Jerry Smith seconded to appoint Marta Jardon and Stefanie Culley to the library board.

Motion passes 4-0.

2. Sprinkler Systems

Ken Wagner-501 Lawrence St-One of the owners of Heritage Tractor. They would like to build on to their main building to gain some more space. They are working with an engineer out of Lawrence. The issue they have with this project is the water supply, both pressure and flow. They had a pressure test done by a firm that suggested the water pressure of the water system out to the industrial park was inadequate to energize a sprinkler system.

Brian Rice with Rice Precision Manufacturing-401 E High St.-looking to purchase 7½ acres to the north of their building to build a state of the art 25,000 square foot manufacturing facility. Brian has been in contact with the same engineer that Ken is working with, who brought up the water issue for a sprinkler system. He is also concerned with having a sprinkler system in his business with around 15-18 million dollars worth of electrical equipment.

After a lengthy discussion, the council asked for the City Attorney to draft language for consideration of the council.

Cory Venable moved and Jerry Smith seconded to approve to give the City Attorney authority to research and provide proposed language to the modification of the code that would encourage growth and address concerns for the council while maintaining public safety. Motion passes 4-0.

3. SPRINT Grant Application

Donna Curran-Vice President of the Lumberyard Arts Center- the Kansas Department of Commerce has advertised a grant funding. This is a one time opportunity through the SPRINT program to help stimulate tourism with funding up to 10 million dollars for individual projects with a total of 30 million available. The Lumberyard Arts Center sees this as a great opportunity to develop the

unfinished portion of their building. Due to the public private nature of this project and the Lumberyard Art Centers limited capacity, they discussed the possibility of the city involvement with the City Administrator to apply for the grant for them. The application is due March 14th, with the projects selected to be announced early April. If selected, the project has to be completed within a two year period.

Julie Constantinescu moved and Cory Venable seconded to apply for the SPRINT Grant as presented. Motion passes 4-0.

H. Committee Reports

1. Budget and Finance - Scott Lauridsen/Cory Venable
 - Discussion to get a better understanding of the electric fund reserve. Would like council's permission to have the committee come back with some recommendations on how to manage that fund which will inevitably require us to lease at least the generators that we already bought.
 - Discussed how an Assistant City Administrator would impact the budget.Next meeting will be 03/10/23 at 7:45am.
2. Community Development - Cory Venable/Susan Pitts
 - Community Center Discussion
 - Sprinkler Ordinance
 - SPRINT Grant
 - RAISE GrantNext meeting will be 03/20/23 at 4:00, 2nd floor of City Hall.
3. Public Safety - Susan Pitts/Jerry Smith
Next meeting will be on 3/14/2023 at 4:00.
4. Public Works and Utilities - Julie Constantinescu/Jerry Smith
Next meeting will be 03/09/23 at 9:00a.m.
5. Strategic Planning - Scott Lauridsen/Julie Constantinescu
Next meeting will be 03/10/2023 at 3:00 2nd floor city hall.

I. City Administrator and Staff Comments

The Community Center bid came in double the architect's estimate so that project will go back to the committee to discuss the options going forward.

J. Council & Mayor Comments

Julie Constantinescu asked that the council packet be out on the Friday before the council meeting for the council members to have enough time to review the agenda items before the meeting.

K. Executive Session

L. Adjourn

Cory Venable moved and Jerry Smith seconded to adjourn the regular meeting. Motion carried with a vote of 4 yes and 0 no. Time: 8:35 p.m.

Attest:

Amara M. Packard

City Clerk



Proclamation

of the City of Baldwin City, Kansas

WHEREAS: In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS: This holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska. Arbor Day is now observed throughout the nation and the world; and

WHEREAS: Trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS: Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS: Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS: Trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS: The City of Baldwin City has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices.

NOW, THEREFORE, I, Casey Simoneau, Mayor of the City of Baldwin City, Kansas, with the support of the City Council, do hereby proclaim Friday, April 28th, 2023 as “Arbor Day” in the City of Baldwin City. I call upon all residents of Baldwin City to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Casey Simoneau, Mayor

Date

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF BALDWIN CITY, KANSAS
HELD ON MARCH 21, 2023**

The governing body of the City met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION AUTHORIZING AND PROVIDING FOR ACQUISITION AND
CONSTRUCTION OF ELECTRIC UTILITY SYSTEM IMPROVEMENTS IN
THE CITY OF BALDWIN CITY, KANSAS; AND PROVIDING FOR THE
PAYMENT OF THE COSTS THEREOF**

Councilmember _____ moved that said Resolution be passed. The motion was seconded by Councilmember _____. Said Resolution was duly read and considered, and upon being put, the motion for the passage of said Resolution was carried by the vote of the governing body, the vote being as follows:

Aye: _____

Nay: _____

Thereupon, the Mayor declared said Resolution duly passed and the Resolution was then duly numbered Resolution No. 2023-___ and was approved and signed by the Mayor and attested by the Clerk.

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(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Baldwin City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. 2023-__

A RESOLUTION AUTHORIZING AND PROVIDING FOR ACQUISITION AND CONSTRUCTION OF ELECTRIC UTILITY SYSTEM IMPROVEMENTS IN THE CITY OF BALDWIN CITY, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF

WHEREAS, under Charter Ordinance No. 19 of the City of Baldwin City, Kansas (the "City") (enacted pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas) and K.S.A. 12-101 *et seq.* (jointly, the "Act"), for the purpose of paying (a) (i) for any bridge, viaduct, public building, street and sidewalk, and the land necessary therefor, (ii) for lands for public parks and recreation facilities and for developing and constructing parks and recreation facilities, within or without the City, (iii) for the establishment and construction of crematories, desiccating or reduction works, including the land necessary therefor, within or without the City, or (iv) for the improvement, repair or extension of any waterworks, sewage disposal plant, electric light plant, crematory, desiccating or reduction works or other public utility plant owned by the City, and (b) for rebuilding, adding to or extending the structures, buildings and facilities described in sub-section (a) hereof, from time to time, as the necessities of the City may require, the City may borrow money and issue its bonds for the same; and

WHEREAS, the governing body of the City determines it necessary to acquire and construct electric utility system substation improvements, as an addition or extension of the City's electric utility system (the "Improvements"); and

WHEREAS, the cost of the Improvements, including associated financing costs, are to be paid by the City-at-large and the governing body determines it necessary to provide for the payment of the costs of the Improvements, all as provided by the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. Improvement Authorization. It is hereby authorized, ordered and directed that the Improvements be undertaken under the provisions of the Act.

SECTION 2. Bond Authorization. The estimated cost of the Improvements, including associated financing costs, are \$4,200,000, all of which shall be chargeable to the City at large, and all or a portion of such costs are authorized to be paid by the issuance of general obligation bonds of the City (the "Bonds"), under the provisions of the Act, with any balance of costs to be paid from other available funds. Said Bonds shall be issued by the City at a later date and may be combined with any other general obligation bonds to be issued by the City as may be determined by the governing body to be in the best interests of the City.

SECTION 3. Reimbursement. The Bonds authorized pursuant to this Resolution are authorized to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 4. Effective Date. This Resolution shall take effect and be in force from and after its adoption.

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ADOPTED by the governing body on March 21, 2023.

(SEAL)

ATTEST:

Mayor

Clerk

MEMORANDUM

TO: Glenn Rodden, City Administrator; Mayor and City Council

FROM: City Attorney

RE: Application of New Code to Existing Buildings When Addition Is Built

DATE: March 17, 2023

Questions Presented:

1. If a property owner within the city limits of Baldwin City intends to build an addition to an existing building that was built prior to the adoption of the International Building Code does the construction of an addition trigger the property owner to bring his existing building into compliance with the current code?

Short Answer:

No, with some limited exceptions.

Discussion:

Chapter 34 of the International Building Code 2006 (hereinafter the “Code”) addresses how the code impacts existing structures. Specifically, Section 3403.1 states that existing structures “not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.” In addition, there is a caveat that all existing structures plus additions must comply with the height and area provisions of Chapter 5 of the Code.

The first question then for any building inspector when determining whether an existing structure must make any alterations upon the building of an addition is whether the existing building will be altered or affected by the addition. An example of such an alteration would be if the addition changes the use or occupancy of the existing building. Should such a change occur, the building would need to comply with the requirements of the current code for such division or occupancy. Sec. 3406.1.

The second question is whether the addition will impact the height and area provisions of Chapter 5 of the Code. These requirements differ based upon the Type and Group of the existing building and can be found in Table 503 of the Code.

Compliance with current code may also be triggered by additions, alternations, or repairs that relate to historic buildings, accessibility concerns, structural loads, or the relocation of entire structures. Should the Council wish to have more information regarding these specific situations, please request additional information from the City Attorney.

Conclusion:

An addition, alteration, or repair to an existing structure will normally not trigger the application of the current code to the existing structure with some exceptions. Exceptions that are expressly considered when discussing the implementation of the current code are height and area requirements as well as when an alteration or addition changes the use or occupancy of a building or in some other manner alters or affects the existing building.

Published in the Baldwin City Community News on the ____ Day of _____, 2023.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 2, SECTION 4-202 OF THE CODE OF ORDINANCES OF THE CITY OF BALDWIN CITY, KANSAS, INCORPORATING BY REFERENCE THE INTERNATIONAL BUILDING CODE 2003 EDITION, AND MAKING CERTAIN CHANGES THERETO.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Baldwin City, Kansas:

SECTION 1. That Chapter IV, Article II Section 4-202a of the Code of Ordinances of the City of Baldwin City, Kansas is hereby amended to read as follows:

Section 4-202a. Amendments.

- (a) Section 105.2 of the International Building Code, 2003 Edition, as adopted by the city is hereby amended to read as follows:

Work Exempt from Permit. A building permit shall not be required for the following:

- (1) One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the projected roof area does not exceed 100 square feet.
- (2) All fences require permits.

- (b) Section 306.2 of the International Building Code, 2003 Edition, as adopted by the city is hereby amended to read as follows:

306.2 Factory Industrial F-1 Moderate-hazard Occupancy.

Factory industrial uses which are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to, the following:

Aircraft
Appliances
Athletic equipment
Automobiles and other motor vehicles

Bakeries
Beverages; over 12-percent alcohol content
Bicycles
Boats
Brooms or brushes
Business machines
Cameras and photo equipment
Canvas or similar fabric
Carpets and rugs (includes cleaning)
Clothing
Construction and agricultural machinery
Disinfectants
Dry cleaning and dyeing
Electric generation plants
Electronics
Engines (including rebuilding)
Food processing
Furniture
Hemp products
Jute products
Laundries
Leather products
Machinery
Metals
Millwork (sash & door)
Motion pictures and television filming (without spectators)
Musical instruments
Optical goods
Paper mills or products
Photographic film
Plastic products
Printing or publishing
Recreational vehicles
Refuse incineration
Shoes
Soaps and detergents
Textiles
Tobacco
Trailers
Upholstering
Wood; distillation
Woodworking (cabinet)

- (c) Section 306.3 of the International Building Code, 2003 Edition, as adopted by the city is hereby amended to read as follows:

306.3 Factory Industrial F -2 Low-hazard Occupancy. Factory industrial uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as F-2 occupancies and shall include, but not be limited to, the following:

Agricultural Machinery

Beverages; up to and including 12-percent alcohol content

Brick and masonry

Ceramic products

Foundries

Glass products

Gypsum

Ice

Metal products (fabrication and assembly)

SECTION 2. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this ____ day of _____, 2023.

APPROVED:

Casey Simoneau, Mayor

ATTEST:

Amara Packard, City Clerk

(Approved as to Form):

Dakota T. Loomis, City Attorney